

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

336C0393

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB1077** - 2/3/99

Introduced by: Representatives Hunt and Crisp and Senators Everist and Lange

1 FOR AN ACT ENTITLED, An Act to clarify voting eligibility and procedures for certain  
2 municipal incorporation elections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 9-3 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 In any election for the original incorporation of a municipality around all or a part of the  
7 shoreline of a lake, all owners of land as shown by the records of the county register of deeds  
8 within the proposed incorporated area, whether residents or not, and all resident voters in the  
9 proposed incorporated area, are entitled to vote.

10 Section 2. That chapter 9-3 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 The incorporation voting process after election of the inspectors shall be conducted pursuant  
13 to Title 12 and shall include the right to vote by absentee ballot.

14 Section 3. That § 9-3-3 be amended to read as follows:

15 9-3-3. Such persons shall cause an accurate census to be taken of the landowners and the  
16 resident population of the territory included in ~~said~~ the map as of a day not more than thirty days

1 previous to the time of presenting such application to the board of county commissioners as  
2 hereinafter provided. ~~Such~~ The census shall exhibit the name of every landowner and head of a  
3 family residing within ~~such~~ the territory on ~~such~~ that day and the number of persons belonging  
4 to every such family and shall also state the names of all persons residing within ~~such~~ the territory  
5 at ~~such~~ the time. ~~It~~ The census shall be verified by the affidavit of the person taking the ~~same~~  
6 census.

7 Section 4. That § 9-3-5 be amended to read as follows:

8 9-3-5. The application for incorporation shall be by a petition subscribed and verified by the  
9 applicants and subscribed by not less than fifteen percent of the landowners and registered voters  
10 residing within ~~such~~ the territory, based upon the total number of landowners and registered  
11 voters at the last preceding general election. It shall set forth the boundaries and area thereof  
12 according to the survey and the landowner and resident population thereof according to the  
13 census taken. It shall be presented at the time indicated in the notice of ~~such~~ the application or  
14 as soon thereafter as the board of county commissioners can receive and consider the ~~same~~  
15 application.

1    **BILL HISTORY**

2    1/19/99 First read in House and referred to Local Government. H.J. 85

3    1/28/99 Scheduled for Committee hearing on this date.

4    2/2/99 Scheduled for Committee hearing on this date.

5    2/2/99 Local Government Do Pass Amended, Passed, AYES 7, NAYS 6. H.J. 314